

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PAMELA COLEMAN, individually, and on  
behalf of all others similarly situated,  
  
Plaintiffs,  
  
vs.  
  
CIRCUS CIRCUS CASINOS, INC., et al.,  
  
Defendants.

Case No. 2:04-cv-00747-PMP-GWF

**AMENDED ORDER AND FINDINGS &  
RECOMMENDATIONS**

This matter is before the Court on Defendants' Motion to Compel Depositions of Dane Ward, Alejandro Carranza and Eric Rodriguez, or in the Alternative, Motion to Dismiss Dane Ward's, Alejandro Carranza's and Eric Rodriguez's Claims with Prejudice (#167), filed on January 16, 2007. No opposition was filed to Defendants' Motion. The Court heard this matter on February 27, 2007. For good cause shown,

**IT IS HEREBY ORDERED** that Defendants' Motion to Compel Depositions of Dane Ward, Alejandro Carranza and Eric Rodriguez (#167) is **granted**. Plaintiffs Dane Ward, Alejandro Carranza and Eric Rodriguez shall appear for their depositions on or before **March 21, 2007**.

**IT IS FURTHER RECOMMENDED** that if Plaintiffs Dane Ward, Alejandro Carranza and Eric Rodriguez fail to appear for their deposition without good cause, that they be dismissed, with prejudice, as a plaintiff in this action and that the Court may impose monetary sanctions for their failure to appear.

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**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 9th day of March, 2007.



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GEORGE FOLEY, JR.  
U.S. MAGISTRATE JUDGE